

### **REMARKS**

Claims 1-20 are all the claims pending in the application. By this amendment, claim 11 is amended for the purpose of clarity and precision, and not in a manner that is believed to be narrowing. In view of the foregoing amendments and following remarks, applicant respectfully requests withdrawal of the rejections and allowance of the claims.

Applicant thanks the Examiner for the indication of consideration of the references cited in the Information Disclosure Statement filed on July 24, 2006. Applicant also thanks the Examiner for withdrawing the prior art rejections that formed the basis of the previous Office Action.

#### **I. Allowed and Allowable Claims**

Applicant thanks the Examiner for indicating that claims 1-10 are allowed, and that claims 17-20 contain allowable subject matter, and would be allowed if rewritten to overcome the 35 USC 112, 2<sup>nd</sup> paragraph rejections and include intervening and base claims.

Applicant respectfully submits that claims 11-16 are also allowable, because the 35 USC 112 rejections are overcome for the reasons discussed below, and further, the prior art rejections of the previous Office Action were withdrawn. Accordingly, applicant respectfully requests withdrawal of the remaining rejections, and allowance of the claims.

#### **II. Claims 11-20 are enabled under 35 USC 112, 1<sup>st</sup> paragraph**

Claims 11-20 stand rejected under 35 USC 112, 1<sup>st</sup> paragraph due to alleged lack of enablement with respect to “a cost of a resetting step” as recited in claim 11.

Applicant respectfully submits that one skilled in the art could make and use the claimed invention from the disclosures in the present specification, coupled with the prior art, without undue experimentation. See *In re Wands*, 858 F.2d 731, 737, 8 USPQ2d 1400, 1404 (Fed. Cir. 1988); see also MPEP 2164.01.

As shown in the foregoing amendments, it is believed that claim 11 as amended overcomes this rejection. Further, the specification supports the claim limitation in question at page 17, lines 4-19, e.g., if the cost of shifting from the previously calculated suboptimal path is less than the sub-optimality cost, then resetting is performed. Applicant respectfully submits that this disclosure is sufficient for one skilled in the art to practice the scope of the claims without undue experimentation. Moreover, the specification of the present application also includes various non-limiting examples. Thus, applicant respectfully submits that the Examiner has not established a case of non-enablement under 35 USC 112, 1<sup>st</sup> paragraph using the proper legal tests, and in view of the foregoing amendments.

Therefore, Applicant respectfully submits that at least this portion of the specification enables one skilled in the art at the time of the invention to make and use the claimed invention. Thus, applicant respectfully requests withdrawal of the rejection under 35 USC 112, 1<sup>st</sup> paragraph.

### **III. Claims 11-20 are not indefinite under 35 USC 112, 2<sup>nd</sup> paragraph**

Claims 11-20 stand rejected under 35 USC 112, 2<sup>nd</sup> paragraph due to alleged indefiniteness due to “said resetting step” in claim 11, line 6. As shown above, claim 11 has been amended to overcome this rejection. Thus, applicant respectfully requests withdrawal of the rejection, and allowance of the claims.

**IV. Conclusion**

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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